

Remarks

A telephone call was made to Gregory Turocy on July 1, 2010 and July 2, 2010 to attempt to resolve the following issues. As of July 9, 2010, no response was received, necessitating this Office action.

Election/Restriction

Applicant's election of Group II, the caspase inhibitor species Ac-YVAD-CMK and the R-Lys-X species Ac-His-Phe-Arg-Lys-Pro-Asp-CMK in the response filed April 26, 2010 is acknowledged. The species Ac-His-Phe-Arg-Lys-Pro-Asp-CMK does not appear in the specification, sequence listing or claims. The Examiner requests that Applicant point to support for this species in the original application or elect a different R-Lys-X species.

Sequence Compliance

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below.

MPEP § 2422 states that all unbranched, non-D amino acid sequences with four or more "specifically defined" amino acids require a sequence identifier and must be included in the sequence listing. At least the following amino acid sequences in the claims (2, 4 and 7) and specification (pp. 3-5, 7, 19 and 20) require sequence identifiers:

Ile-Glu-Thr-Asp-fluoromethyl ketone, DEVD, Ac- DEVD-CHO, acetyl-Asp-Glu-Val-Asp-fluoromethyl-ketone, YVAD, acetyl-Tyr-Val-Ala-Asp-chloromethyl-ketone, z- DEVD-fmk, z-IETD-fmk, Z-VDVAD-fmk, Ac-YVAD-CMK, His-Phe-Arg-Trp, R"-His-Phe-Arg-Trp-R'-

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Lys-X, R"-His-Phe-Arg-Trp-R'-Lys-Pro-X', R"-His-Phe-Arg-Trp-R'-Lys-Pro-Thr-X', R"-His-Phe-Arg-Trp-R'-Lys-Pro-Val-X', R"-Phe-Arg-Trp-R'-Lys-X, R"-Phe-Arg-Trp-R'-Lys-Pro-X', R"-Phe-Arg-Trp-R'-Lys-Pro-Thr-X', R"-Phe-Arg-Trp-R'-Lys-Pro-Val-X', R"-His-Phe-Arg-R'-Lys-X, R"-His-Phe-Arg-R'-Lys-Pro-X', R"-His-Phe-Arg-R'-Lys-Pro-Thr-X', and R"-His-Phe-Arg-R'-Lys-Pro-Val-X'.

This list may not be complete. Applicant is required to review the entire Application for compliance with the sequence rules.

Conclusion

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINA BRADLEY whose telephone number is (571)272-9044. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday 8:30 A.M. to 4:30 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571) 272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christina Marchetti Bradley/
Examiner, Art Unit 1654

cmb